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SUBJECT: FSC OCTOBER 15: RUSSIA SAYS SOUTH OSSETIA/ABKHAZIA  
ELIGIBLE FOR OSCE

11. (SBU) Summary: Russian deputy director for export controls and nonproliferation Petr Litavrin told Georgia he had no official information about arms transfers to separatists in South Ossetia and Abkhazia prior to the outbreak of war in August. However, he added, Russia can provide information on arms provided to sovereign states, including South Ossetia and Abkhazia since their recent declaration of independence. Later, Russian head of delegation Ulyanov, responding to Georgia's demand that OSCE monitors be given access to South Ossetia, declared it and Abkhazia were eligible for membership in the OSCE and the Vienna Document as they were now de jure independent nations.

12. (SBU) Only Belarus supported the Russian proposal for an arms embargo of Georgia. The U.S., the EU, and the FSC Chair have told Russia the proposal is unnecessary and will not be supported.

13. (SBU) Ambassador Roberto Moritan, the chair of the Group of Government Experts (GGE) on the Arms Trade Treaty (ATT), described the work of the group and the ongoing discussions over the feasibility and scope of legally binding international standards for arms transfers. The U.S. noted its participation in the GGE and the need for further consideration of the complex issues surrounding the ATT.

14. (SBU) The draft decision on a cyber security workshop was forwarded to the plenary. Editing continues on the Chair's draft Ministerial decisions on SALW and FSC issues, and on draft decisions on trafficking of SALW by air, a revised Code of Conduct Questionnaire, an overview of melange disposition.  
End summary.

## Arms Trade Treaty

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15. (SBU) Argentine Ambassador Roberto Garcia Moritan, the chair of the Group of Government Experts on the Arms Trade Treaty, reviewed the work of the GGE and described the next steps in negotiating the ATT. The GGE was created by the UN General Assembly with 28 Member States represented, although over 60 had asked to participate. The group was formed to examine the feasibility, scope, and parameters of a legally binding instrument to regulate arms transfers. The group met three times in 2008 but concluded that these matters require further discussion. The UNGA and First Committee will develop a road-map for further work, including increased participation in the discussion group.

16. (SBU) The GGE recommended that the seven categories of weapons found in the UN register of Conventional Weapons and small arms and light weapons be regulated by a global treaty. Moritan said the treaty is not intended to qualify the right of states to defend themselves per Article 51 of the UN Charter. The ATT will also address other UN Charter provisions including those on human rights. One issue still under discussion is reconciling ATT requirements with stricter national arms transfer regulations.

Yes, But Will It Cure the Common Cold?

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17. (SBU) France (Fournier) for the EU endorsed the ATT as a  
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panacea for armed conflict, terrorism, organized crime, and abuses of international humanitarian law. The treaty needs to incorporate international standards at the highest level while still respecting state sovereignty. The EU will organize several conferences on the ATT in 2009 to encourage further support.

18. (SBU) The UK (Gare) noted its early support for the treaty. The ATT will not duplicate normative work done at the OSCE and elsewhere but rather will close the gaps in extant national and regional standards and help to counter terrorism and human rights abuses. The ATT will provide an international standard that can be enforced nationally. Gare noted over 150 states support the ATT, including Finland (the CiO and FSC chair).

U.S.: Engaged but Cautious

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19. (SBU) The U.S. (Malzahn) has made three recommendations to the GGE for its future work. First, further discussion of the ATT should be a careful step-by-step analysis of the feasibility and scope because of the complexity of the subject matter and the differences in levels of comfort with the treaty among states. Malzahn noted the U.S. had voted against the treaty in the UNGA in 2007 as it believed it would not be possible to create an international instrument that matched the high standards of some states, including the U.S., but would instead be a "lowest common denominator" instrument.

110. (SBU) Second, Malzahn said, the GGE needed to consider the different motivations for production and acquisition of conventional arms. Third, the obligations of exporters and importers need to be balanced in any treaty. The ATT should not be just an export controls arrangement.

111. (SBU) Turkey noted it was not a member of the GGE but liked being informed.

112. (SBU) Moritan concluded by thanking the EU for its support and said he hoped for an eventual "yes" vote from the U.S. as the treaty will benefit all.

¶13. (SBU) Peter Litavrin, the Russian MFA deputy director for export controls and nonproliferation, described the impact of current events on implementation of extant arms transfer norms. Exporters need to consider the actual level of tension in a region before agreeing to a transfer. The EU, for instance, should not export weapons if there was chance they would be used to support international aggression or domestic repression.

¶14. (SBU) Litavrin complained of insufficient transparency in arms transfers. Some, he said, complain that arms transfers to Kosovo or Georgia heighten tensions; others believe it ensures stability and sovereignty. Some want human rights violations to be considered before exporting to Syria and Iran, while others believe these matters are irrelevant to export decisions. The U.S. does not arm China and

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discourages other states from doing so, yet the U.S. arms Taiwan, which is not recognized by the UN. There was less disagreement over these issues within homogenous structures, e.g., the EU.

¶15. (SBU) However, Litavrin said, Russia had for several years expressed its concern to the EU and others over arms transfers to Georgia, which Russia considered excessive and destabilizing. The reply was that there was no UN arms embargo, so the transfers were permitted. Yet, he asked, if UN embargoes were the sole criterion, why have these other export control standards like Wassenaar and the OSCE? Russia is owed answer to the question how transfers to Georgia are consistent with these other export control standards.

¶16. (SBU) Litavrin asserted Georgia's own transparency over its arms imports did not contribute to stability in the region. It was time to review critically the OSCE documents on SALW in order to devise measures of stopping such destabilizing arms transfers.

Who Armed South Ossetia?  
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¶17. (SBU) Georgia (Giorgadze) asked if Litavrin had data on Russian arms transfers to the separatist movements in South Ossetia and Abkhazia. Giorgadze also asked why "one participating State" (pS) was preventing "another pS" from visiting these separatist regions? Litavrin answered that independent South Ossetian and Abkhazia could be the legitimate recipients of arms transfers. He had no official information on transfers to separatist movements, although he conjectured that had Russia been supplying South Ossetia before the war then events might have turned out differently.

¶18. (SBU) Giorgadze recalled that Georgia had urged military monitors be allowed access to the separatist regions but Russia had refused. Georgia had also urged international monitoring of the Roki tunnel but Russia had blocked that too. Giorgadze referred delegations to his October 1 statement in the FSC on arms transfers (FSC.JOUR/564, Annex 2).

U.S. on Arms to Georgia  
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¶19. (SBU) The U.S. (Neighbor) upheld the right of states to provide for their own defense. The U.S. has an arms transfer policy that recognizes this right while taking account of U.S. interests and regional tensions. These considerations underlay U.S. arms transfers and other military assistance to Georgia, which facilitated Georgia's deployment of forces to Iraq in support of Operation Iraqi Freedom and re-establishment of government control over the Pankisi Gorge. U.S. arms transfers to Georgia have not been in

excess of its legitimate security needs. Neighbour also referred delegations to the U.S. statement on the same subject at the October 1 FSC (FSC.JOUR/564, Annex 6).

¶20. (SBU) The Chair, Finland Kangaste noted with approval the withdrawal of Russian forces from the security zones per the Sarkozy-Medvedev agreement. However, OSCE monitors have reported Russian forces have not withdrawn from Akhalkalaki.

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Kangaste requested Russian support for monitor access to this area. He added that talks underway in Geneva are to address restoration of security and stability in the region and the plight of displaced persons.

#### Russian Proposal for Embargo of Arms to Georgia

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¶21. (SBU) France, speaking for the EU, declared that EU arms transfers to Georgia were complaint with its own and other international norms and there was no need for the Russian proposal to embargo arms to Georgia (FSC.DEL/155/08). Russia (Ulyanov) acknowledged that most EU Member States have not exported arms to Georgia, but some, mentioning the Czech Republic by name, have contributed to the instability and violence in the region. Ulyanov said these arms were used by Georgia for internal repression: "Entire villages were wiped out." Countries that continue to arms Georgia will be politically and morally responsible for any violence that ensues.

¶22. (SBU) Ulyanov said the Russian proposal to embargo arms to Georgia was meant to supplement apparently deficient OSCE and EU norms and ensure the return of peace to the area, "for the good of the Georgians themselves." Georgia (Giorgadze) denied it had violated any OSCE norms, nor had its suppliers. It was clear, he added, who was responsible for the instability in the Caucasus.

¶23. (SBU) The Czech Republic (Reinohlova) said it was still waiting for an answer from Russia to the question of who supplied the South Ossetian separatists. Ulyanov, echoing Litavrin's remarks earlier, said Russia did not have any information, although if it had armed South Ossetia perhaps war would not have occurred.

#### Russia: South Ossetia/Abkhazia Eligible for OSCE

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¶24. (SBU) Georgia again demanded that OSCE monitors be allowed into South Ossetia: perhaps they could determine where South Ossetia got its arms. Ulyanov replied that this request should be put to the authorities in the de jure independent South Ossetia and Abkhazia, adding that they were now eligible for membership in the OSCE and the Vienna Document. Giorgadze replied that South Ossetia and Abkhazia were still part of Georgia and, as such, should be inspectable. Georgia thanked the EU for declining to support the Russian call for an embargo.

¶25. (SBU) Later, in the working group, Russia returned to the arms embargo proposal and accused the U.S. of breaking its promise to Russia that U.S.-trained Georgian forces would never turn their arms against Russia but were to be employed only to restore government control in the Pankisi Gorge. This had led Russia to include a ban on training in OP2 of the draft decision. Belarus (Pavlov) described the Russian proposal as a "valid response to recent events" and described OSCE normative documents as inadequate.

¶26. (SBU) Separately, the U.S. (Silberberg) told Ulyanov his paper was unnecessary and would not be supported. The Chair (Kangaste) told Ulyanov there was virtually no support for

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the embargo proposal; although it can remain on the working group agenda, Kangaste will urge Ulyanov to withdraw it "after a decent interval."

#### Cyber Security

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¶27. (SBU) The draft decision on a cyber security workshop in March 2009 (FSC.DD/12/08) was approved in the working group and forwarded to the plenary.

#### MC.DD on SALW

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¶28. (SBU) Spain, Slovakia, Canada, Sweden, and Greece supported the German edits (FSC.DEL/161/08) to the chair's Ministerial draft decision on SALW (MC.DD/7/08). The U.S. (Silberberg) reprised earlier comments on the draft: avoiding reference in the preamble to need for further work on stockpiles and resisting the language in OP2 tic one calling for a review of the "scope and content" of the OSCE Document on SALW. Azerbaijan supported the U.S. on the OP2 issue. Germany (Schweizer) noted the phrase "scope and content under regular review" appeared in the OSCE Document on SALW and asserted any review should be not just of the document but all aspects of SALW work in light of current conditions to determine if further norms were needed. Turkey requested "requires" be changed to "encourages" in OP3 on the establishment of national legal frameworks for SALW brokering. The Chair plans to issue a revised text and will attempt to find language acceptable to all.

#### MC.DD on FSC Issues

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¶29. (SBU) Switzerland supported the Russian edits (FSC.DEL/163/08) to the Chair's Ministerial draft decision on FSC issues (MC.DD/6/08). The U.S. requested, again, that reference to specific progress reports be dropped from OP3. Georgia objected to the absence of any mention of the "Georgia-Russia" war and proposed language to remedy this that would omit the reference to "South Ossetia/Georgia." Latvia and Canada supported the Georgian edits.

¶30. (SBU) Russia (Ulyanov) countered that the Georgian language did not reflect the facts on the ground. It was Georgia that was responsible for all the untoward events of August. Russia was only "enforcing the peace." Ulyanov said he could not see the point of the U.S. recommendation for OP3: last year the Ministers had told the FSC on what to report, which is as it should be. There was no reason to change this arrangement.

#### SALW by Air

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¶31. (SBU) Germany (Schweizer) still prefers to go beyond the Wassenaar norms on preventing destabilizing transfers of SALW by air that could be incorporated into OSCE practice by the revised draft decision (FSC.DD/10/08/Rev.1) that features, according to Schweizer, "uncritical use of documents coming from another organization." While Germany generally supports the latest version, it reserves the right to make additional

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suggestions.

#### Melange "Overview"

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¶32. (SBU) Ukraine, Sweden, and Kazakhstan supported the draft decision welcoming the "overview" of melange disposition methods (FSC.DEL/148/08), formerly known as a "Best Practice Guide." Germany wants to see further revision. The U.S. announced it had passed comments from technical experts to

the paper's author, Finland.

#### Code of Conduct

¶33. (SBU) Yet another version of the revised Code of Conduct Questionnaire (FSC.DEL/98/08/Rev.4) was distributed by the FSC Code coordinator, Colonel Anton Eischer (Austria). Eischer has called for discussion of the draft in the October 22 working group. He noted that the revised Questionnaire needs to be adopted by the late-November Ministerial if the first set of replies are to be submitted by April 15, 2009. Kazakhstan supported the latest version of the revised Questionnaire.

¶34. (SBU) Russia (Geyvandov) said it had further edits to the questions on the political-military commitments of pS. Geyvandov also cautioned that the revision required careful inter-agency review by Moscow that could take some time.

#### Other CSBMs

¶35. (SBU) Cyprus and Turkey announced the cancellation of military exercises as part of renewed discussions between the "two communities" on the island.

#### Next Meeting

¶36. (SBU) The Next meeting of the FSC will be on October 22 and will feature a presentation on the Montreux Declaration on Private Military and Security Companies by Ambassador Paul Seger, director of international law, Swiss Department of Foreign Affairs.  
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